



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 2 2009

Ms. Patricia Montanio
National Marine Fisheries Service
Office of Habitat Conservation
1315 East West Highway
Silver Spring, MD 20910

Subject: EPA Comments on the Adoption of the Final Programmatic Environmental Impact Statement for the South Bay Salt Pond Restoration Project, Restored Tidal Marsh, Managed Ponds, Flood Control Measures and Public Access Features, Don Edward San Francisco Bay National Wildlife Refuge, Alameda, Santa Clara and San Mateo Counties, California (CEQ #20090305)

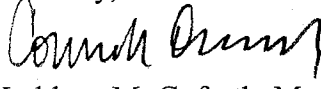
Dear Ms. Montanio:

The U.S. Environmental Protection Agency (EPA) has reviewed the Federal Register Notice published on September 4, 2009, describing National Oceanic and Atmospheric Administration's intent to adopt the U.S. Fish and Wildlife Service's Final Programmatic Environmental Impact Statement (Final PEIS) for the South Bay Salt Pond Restoration Project (CEQ #20070539). Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

Because your agency is adopting the Final PEIS that EPA previously reviewed and commented on, we would like to highlight the remaining concern shared with U.S. Fish and Wildlife Service upon completion of that document. At that time, EPA identified concerns related to the likely future non-attainment status for the San Francisco Bay area for the 24-hour standard for particulate matter with a diameter of 2.5 microns or less (PM_{2.5}). We have enclosed EPA's entire January 28, 2008 comment letter for your reference and consideration in your adoption of the Final PEIS.

EPA appreciates the opportunity to comment on the adoption of the Final PEIS. Once the Record of Decision is signed, please send a copy to the address above (mail code: CED-2). If you have any questions, please contact me, at 415-972-3521, or Susan Sturges, the lead reviewer for this project. Susan can be reached at 415-947-4188 or sturges.susan@epa.gov.

Sincerely,


For

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosure:

EPA's January 28, 2008 comment letter on the Final Programmatic Environmental Impact Statement for the South Bay Salt Ponds Restoration Project



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San Francisco, CA 94105-3901

January 28, 2008

Mendel Stewart
U.S. Fish and Wildlife Service,
San Francisco Bay National Wildlife Refuge Complex,
P.O. Box 524
Newark, California 94560

Subject: EPA Comments on the Final Programmatic Environmental Impact Statement (PEIS) for the South Bay Salt Ponds Restoration Project, Alameda, Santa Clara, and San Mateo Counties, California (CEQ #20070083)

Dear Mr. Stewart:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. EPA provided comments on the Draft Programmatic Environmental Impact Statement (PEIS) on May 3, 2007. We rated the Draft PEIS as Environmental Concerns – Insufficient Information (EC-2) and encouraged the U.S. Fish and Wildlife Service (USFWS) and the U.S. Army Corps of Engineers (Corps) to consider project impacts on the ambient level of the 24-hour standard for Particulate Matter with a diameter of 2.5 microns or less (PM_{2.5}), locally and regionally, in the Final PEIS. Our comments on the scope of NEPA compliance and programmatic and project level air quality conformity were resolved in the Final PEIS. In addition, our recommendations to further reduce impacts from diesel particular matter and mercury entrained dust emissions were incorporated into the project.

Since reviewing the Draft PEIS for this project, the state of California has recommended designating the San Francisco Bay Area as non-attainment for the PM_{2.5} 24-hour standard. Based on the state's recommendation, it is likely that the entire San Francisco Bay Area will be designated as non-attainment for PM_{2.5}. Final designation is expected by December 2009 and would be effective by April 2010. As a result, conformity would be required during project implementation. Considering the long term nature of the project, EPA recommends reviewing the new state implementation plan (SIP) that would be prepared (anticipated by April 2013) to identify how it applies to the project and to incorporate reasonable measures and mitigation approaches to address project PM_{2.5} emissions.

We appreciate the opportunity to review this Final PEIS. When the Record of Decision (ROD) is signed, please send one copy to the address above (mail code: CED-2). If

you have any questions, please contact me at 415-972-3846 or Susan Sturges of my staff at 415-947-4188 or sturges.susan@epa.gov.

Sincerely,



Nova Blazej, Manager
Environmental Review Office

cc: Yvonne LeTellier, U.S. Army Corps of Engineers
John Krause, California Department of Fish and Game
Marie Galvin, EDAW